



7020-02

INTERNATIONAL TRADE COMMISSION

Investigation No. 337-TA-1153

Certain Bone Cements, Components Thereof and Products Containing the Same

Institution of Investigation

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 5, 2019, under section 337 of the Tariff Act of 1930, as amended, on behalf of Heraeus Medical LLC of Yardley, Pennsylvania and Heraeus Medical GmbH of Germany. A letter amending the complaint was filed on March 22, 2019. The complaint alleges violations of section 337 based upon the importation into the United States, and in the sale of certain bone cements, components thereof and products containing the same by reason of misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure a domestic industry in the United States or to prevent the establishment of such an industry.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining

access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

SUPPLEMENTARY INFORMATION:

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2018).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on April 4, 2019, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(A) of section 337 in the importation into the United States, or in the sale of certain bone cements, components thereof and products containing the same by reason of the misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States or to prevent the establishment of such an industry;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “(1) Biomet Bone Cement R, Refobacin® Bone Cement R and other bone cements designed and manufactured by the proposed Respondents; (2) the components of the accused bone cements products, which are

the bone cement powder, liquid and the raw materials that comprise the powder and liquid; and
(3) the ClearMix™ Vacuum Mixing Systems and accessories, the Compact Cement Vacuum Mixing Systems and Miller™ Cement Delivery Systems and accessories, the Optipac® mixing system, mixing bowls, plugs, bone preparation kits, molds, diagnostic kits, and other mixing and delivery systems made or sold by the proposed Respondents that contain or are used with the proposed Respondents' bone cements.”

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Heraeus Medical LLC
770 Township Line Road
Yardley, PA 19067

Heraeus Medical GmbH
Philipp-Reis-Straße, 8-13
61273 Wehrheim, Germany

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Zimmer Biomet Holdings, Inc.
345 East Main Street
Warsaw, IN 46580

Biomet, Inc.

56 East Bell Drive

Warsaw, IN 46582

Zimmer Orthopaedic Surgical Products, Inc.

200 West Ohio Avenue

Dover, OH 44622

Zimmer Surgical, Inc.

200 West Ohio Avenue

Dover, OH 44622

Biomet France S.A.R.L.

58 Avenue de Lautagne

BP 75

Valence, 26903

France

Biomet Deutschland GmbH

Gustav-Krone-Straße 2

14167 Berlin

Germany

Zimmer Biomet Deutschland GmbH

Merzhauser Str. 112

79100 Freiburg im Breisgau

Germany

Biomet Europe B.V.

Toermalijnring 600

Dordrecht, 3316 LC

Netherlands

Biomet Global Supply Chain Center B.V.

Toermalijnring 600

Dordrecht, 3316 LC

Netherlands

Zimmer Biomet Nederland B.V.

Toermalijnring 600

Dordrecht, 3316 LC

Netherlands

Biomet Orthopedics, LLC

56 East Bell Drive

Warsaw, IN 46582

Biomet Orthopaedics Switzerland GmbH

Riedstraße 6

Dietikon, 8953

Switzerland

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: April 5, 2019

Lisa Barton

Secretary to the Commission

[FR Doc. 2019-07102 Filed: 4/9/2019 8:45 am; Publication Date: 4/10/2019]